

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WARD K. CAPSTICK,

Plaintiff,

v.

THE BANK OF NEW YORK
MELLON, et al.,

Defendants.

CASE NO. C23-0936JLR

MINUTE ORDER

The following minute order is made by the direction of the court, the Honorable
James L. Robart:

The court is in receipt of the pleading filed by *pro se* Plaintiff Ward K. Capstick
entitled “emergency ex-parte temporary restraining order.” (Compl. (Dkt. # 1)
(capitalization omitted).) Because the substance of this pleading is similar to that of a
complaint (*see generally id.*), and because Mr. Capstick used this pleading to commence
his case (*see generally* Dkt.), the court construes the pleading as Mr. Capstick’s

1 complaint. *See McGuckin v. Smith*, 974 F.2d 1050, 1055 (9th Cir. 1992) (noting that the
2 court liberally construes a *pro se* litigant's pleadings).

3 If Mr. Capstick seeks a temporary restraining order, he must file a separate motion
4 requesting that relief. Mr. Capstick's motion, if any, shall comply with the procedures set
5 forth in Federal Rule of Civil Procedure 65(b) and Local Rules W.D. Wash. LCR 65(b).
6 *See also King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987) (stating that *pro se* litigants
7 must follow same rules of procedure that govern other litigants), *overruled on other*
8 *grounds by Lacey v. Maricopa Cnty.*, 693 F.3d 896, 925, 928 (9th Cir. 2012). In
9 addition, Mr. Capstick must file a proposed order with his motion that complies with the
10 requirements of Federal Rule of Civil Procedure 65(d)(1) (setting forth the requirements
11 for an order granting injunctive relief) and Local Rules W.D. Wash. LCR 65(b)(4)
12 (requiring that the movant "include a proposed order specifically setting forth the relief
13 requested and describing in reasonable detail the act or acts to be restrained or required").
14 *See also* Local Rules W.D. Wash. LCR 7(b)(1) (noting that a party must file a proposed
15 order in conjunction with a motion).

16 Filed and entered this 26th day of June, 2023.

17 RAVI SUBRAMANIAN
18 Clerk of Court

19 s/ Ashleigh Drecktrah
20 Deputy Clerk
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